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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 LEE MAX BARNETT,

12 Petitioner,

13 vs.

14 ROBERT L. AYERS,

15 Respondent.
16 _____/

No. CIV S-99-2416-RRB-CMK

DEATH PENALTY CASE

ORDER

17 Petitioner, a state prisoner proceeding with appointed counsel, seeks a writ of
18 habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court are petitioner's pro se
19 filings (Docs. 241 & 242) requesting the removal of his appointed counsel, to represent himself
20 and to dismiss his petition.

21 It appears that petitioner may have the right to represent himself and to make the
22 choice to waive any further habeas proceedings. See Comer v. Schriro, 480 F.3d 960 (9th Cir.
23 2007). However, prior to the court ruling on these motions, or conducting any further
24 proceedings in relation to these motions, the court is requesting a response from appointed
25 counsel.

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1 Therefore, IT IS HEREBY ORDERED that appointed counsel respond to
2 petitioner's pro se request to represent himself and dismiss his petition within 30 days.

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4 DATED: January 3, 2008

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6 **CRAIG M. KELLISON**
7 UNITED STATES MAGISTRATE JUDGE
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